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Thirty-seventh session

26 February-23 March 2018

Agenda item 3

**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Written statement* submitted by the Khiam Rehabilitation Center for Victims of Torture, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1996/31.

[30 January 2018]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.18-01722(E)



• 1801722 •

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Bahrain: 27 legal loopholes in a military trial of civilian victims, 6 of whom were sentenced to death

On December 25, 2017, the military court issued verdicts against 18 defendants, condemning 6 of them and sentencing them to death, and to 15 years in prison, and stripping them of their Bahraini nationality. Seven other defendants were sentenced to seven years in prison and stripping them of their Bahraini nationality, whereas five defendants were acquitted. Their trial violated the standards of fair trials, and relied on confessions extracted under torture. This report reveals some of the violations.

The victims in this trial were subjected to 11 violations, including torture with electric shock, solitary confinement and enforced disappearance. Communications engineer Sayed Alawi Hussein Alawi, who is the personal escort of Ayatollah Sheikh Isa Qassim, and Sayed Fadhel Abbas were forcibly disappeared for nearly a year, while Mohammed Al-Shehabi and human rights activist Mohammed Al-Motaghawi were forcibly disappeared for months. Some of the lawyers and the families of the defendants were threatened to be subjected to degrading treatment if they revealed the violations to the media or international human rights organizations. In addition, the military judiciary hid the report of the forensic doctor which proves that Sayed Alawi Hussein Alawi was tortured.

Human rights activist and head of Liberties and Human Rights Department at Al-Wefaq National Islamic Society, Mohammed Al-Motaghawi, was arrested on May 23, 2017 when excessive force was used to break up the peaceful gathering in Al-Duraz area. He was tortured while he was arbitrarily detained for hours in front of the house of Ayatollah Sheikh Isa Qassim, the highest religious authority for Shiites in Bahrain. Moreover, one of the defendants told his family that he had no choice other than confessing because he would face death due to torture with electric shocks if he did not confess.

The plaintiff in this case, the commander-in-chief of the Bahrain Defense Force, oversees the appointment of military judges and the distribution of positions. Therefore, the lawyers demanded that the case be transferred to the civil judiciary because such case is not in the jurisdiction of the military judiciary, but the judge refused. In 2011, the report of the Independent Commission of Inquiry condemned the sentences handed down to civilians by the military judiciary, and some of the defendants were tortured before a judge in the court in 2011 and no legal liability was inflicted upon the perpetrators.

At the second hearing, on October 30, 2017, the defendants were surprised by the charge of planning an assassination that was brought against them, since they were not interrogated based upon it; in addition, the court refused the request of the lawyers to receive a copy of the case file. Some defendants were not allowed to meet with their lawyers except when they met them for the first time at the third hearing on November 2, 2017 for five minutes.

1. Violations by the military judiciary:

1. The alleged incident took place before the amendment of the Military Judiciary Law, which makes the civil judiciary has jurisdiction over the case.
2. Judges in the military courts are appointed by the commander-in-chief of the army, and he is the plaintiff (allegedly) in the act of attempted murder (assassination attempt), which creates a conflict of interest in the bench, and according to the law, every judge that has a conflict in the case under consideration must withdraw.
3. Many of the charges are not related to the alleged incident, which requires the law to separate the cases. Charges such as gathering, riots or placing objects that simulate the shape of bombs are not legally linked to the alleged fundamental charge of attempted assassination.
- 4- On April 2, 2017, Lieutenant Colonel Mohammed Rashid Al-Binali started the investigation, while the defendants Sayed Fadhel and Sayed Alawi were detained prior to these investigations.
5. The secret prosecution witnesses that the prosecution and the investigating officer relied on were not at the location of the alleged incident, according to what officer Mohammed Rashid Al-Binali told the court.
6. The Research and Investigation Officer, Mohammed Rashid Al-Binali, told the court that he relied on the confessions of the defendants in obtaining information and did not obtain evidence other than these confessions.

7. The Court relied on the testimony of secret witnesses, whose statements were not written down in the case file by the prosecution, and they did not testify before the court, which makes the judgment void due to the adoption of evidence that was not brought up for discussion at the trial.
8. The case file of the alleged charge did not address the stage of execution and all that was discussed were the defendants' confessions that were extracted under torture about planning the assassination attempt only. (So it is just an idea).
- 9 - The impossibility of training to shoot using "fire extinguishers" in a cemetery surrounded by the houses of the residents.
10. How can civilians train a military soldier to shoot?
- 11- Is it possible to be an assassination by a fire extinguisher and skewers?
- 12 - The alleged incident of training to shoot by fire extinguishers and iron skewers was dated 4/3/2016 and 6/20/2016.
13. The Military Prosecution found that the confession of Muhammad al-Motaghawi about the incident of planning by Muhammad Kadhem Zain al-Din (the Martyr) and Muhammad al-Motaghawi occurred on 8/4/2015. However, there are official papers from the enforcement prosecution proving that Muhammad al-Motaghawi was in custody over at the time.
14. The Military Prosecution found that Muhammad al-Motaghawi met with the defendant Muhammad Kadhem Zain al-Din (Martyr) on 8/6/2015, but the enforcement prosecution proved that the defendant Mohammed al-Motaghawi was in custody over another case at the time.
15. The Military Prosecution found that Muhammad al-Motaghawi met with the defendants Mohammed Kadhem Zain al-Din (Martyr) and Sayed Alawi on May 13, 2016 and on May 14, 2016, while the Budaiya police station confirmed that the defendant Mohammed al-Motaghawi was in custody over another case on these two dates.
16. The Military Prosecution found that the defendant Mohammed al-Motaghawi gave Sayed Fadhel 50 dinars on May 13, 2016 for the assassination operation, but the Budaiya police station confirmed that Mohammed al-Motaghawi was being held in custody over another case.
17. The prosecution stated in the case file that the assassination operation costed the defendants 2000 dinars!!
18. The Military Prosecution stated in the case file that defendant Mohammed al-Motaghawi had met with Sheikh Ali al-Karabadi in April and May 2017, while Sheikh al-Karabadi had been outside Bahrain since before that time.
19. The Military Prosecution proved two contradictory things. First, it said that Mohammed al-Motaghawi said that he had not seen and does not know the first and second defendants, but in another record, the prosecution proved that Mohammed al-Motaghawi had given Sayed Fadhel an amount of money!!
20. The Military Prosecution says that the idea of assassinating the Commander-in-Chief is present since 2015. However, the first defendant, Mubarak Adel, was not a soldier at the time and had not joined the military! Then how was there planning with a soldier while he had not yet joined the military?!
21. In 2015, defendant Mubarak Adel was detained on criminal charges (non-political) and yet he was accepted in the military in 2016, and later was arrested at the camp using drugs before the date of the alleged incident!
- 22 - Mubarak Adel was at the training camp from January 2016 until April 2016, while the first alleged incidents of training to shoot coincided with his presence at the army camp and the second incident happened after he graduated from the army camp!!
- 23 - In a previous case that is registered by the military prosecution, defendant Mubarak Adel was accused of possession and abuse of drugs (cannabis) and was arrested since August 2016!!
24. The Military Prosecution stated in the indictment that the secret witnesses had been monitoring the defendants since 2015, while the investigations began on 4/2/2107!!
- 25- There is no date in the case file of defendant Mubarak Adel (who is accused of attempted murder) specifying when the incident of attempted murder occurred!!
26. All defendants (except Mubarak Adel) were not charged with attempted murder, but with planning!! However, the Bahraini Penal Code does not state that the death penalty shall be applied for such charges!!
27. The Military Prosecution did not inspect the Duraz cemetery and did not order the Crime Scene Division to inspect the alleged training site!! Also, the Military Prosecution did not provide documents or reports on the alleged crime scene.

Recommendations

1. The Member States of the Human Rights Council urge Bahrain again to abolish the death penalty, and repeat the same recommendations of the 2017 UPR. The countries are the following: France, Portugal, Angola, Sweden, Norway, Germany, Montenegro, Spain, Bulgaria, Australia, Austria, Luxembourg, Lithuania, Italy, Argentina, Chile, and Belgium.
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* Bahrain Forum for Human Rights (BFHR), an NGO without consultative status, also shares the views expressed in this statement.



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**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Written statement* submitted by the Organization for Defending Victims of Violence, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement, which is hereby circulated in accordance with Economic and Social Council resolution 1996/31.

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Regional Environmental Effects of Turkey's Dam Projects*

Since a long time ago, dam construction by Turkey has turned into a major environmental challenge for the entire region. The Ilisu Dam is one of the big dams under construction in Turkey within framework of the GAP project (Güneydogu Anadolu Projesi), whose construction has started in 2006 and is to be finished in 2019. The Euphrates and Tigris rivers must be considered as vital arteries of the Middle East, because people in Turkey, the Syrian Arab Republic, Iraq and the southwest of the Islamic Republic of Iran depend on their water. Since the aforesaid dam is located in southeast Turkey close to Iran's border with Iraq, its construction on the Tigris River, which then flows into Iraq, has had destructive effects on the environment both in Iraq and Iran, because the Tigris river eventually flows into Iran's Hoor al-Azim as well. If this dam is made operational, one of its major consequences will be drying up of Hoor al-Azim, which will be followed by major crises, including increasing amount of haze in the air, desertification and drought in those parts of Iran. At the end of the day, it will give rise to a major environmental catastrophe, which will affect large parts of the country. Therefore, reducing the flow of upstream waters into downstream parts of the Tigris could lead to homelessness of millions of people and badly damage rural livelihood and agriculture in downstream countries.

Construction of the Ilisu Dam on the Tigris River will prevent flow of 56 percent of the river's water into Iraq and subsequently Iran, and will have many environmental consequences in addition to stoking tensions between Turkey and neighboring countries. By building dams on the Tigris and Euphrates without due attention to flow right of downstream neighboring countries like Iraq, Syria and Iran, and also through inattention to experts' warnings, Turkey has practically violated the United Nations Convention to Combat Desertification as well as the United Nations Declaration on the Rights of Indigenous Peoples. Completion of this dam will cause great environmental and human rights problems for the entire region the most important of which include immigration, security and social problems, soil drying and erosion, intensification of wind erosion, production of dust and haze, increased poverty, and immigration of vulnerable people to the vicinity of big cities.

To reduce the hazards that this project may pose to people in Turkey's neighboring countries, the government in Ankara must take environmental issues quite seriously when it comes to exploitation of water resources and the implementation of the GAP project. Therefore, it must address the extraterritorial effects of the construction, reach a regional consensus on the issue and start regional cooperation with the countries that will be at serious loss as a result of this project.

Recommendations

A reason behind the establishment of the United Nations Convention to Combat Desertification was to draw attention to the issue of dust and haze as one of the most important concerns of this convention. We, therefore, call on the Turkish government to pay attention to the contents of this convention.

The Turkish government must take an overarching approach to management of drainage basins, because if a country ignores the rights of downstream countries, it will actually cause destruction of those lands. In the next stage, this measure will give rise to political, social and even security problems, which will certainly affect all regional countries while jeopardizing international peace and security as well.

We ask Turkey to prevent an environmental disaster in Iran's Hoor al-Azim by paying due attention to overarching management of drainage basins that go well beyond its political borders. It is necessary for the Turkish government to engage in diplomatic cooperation with regional countries to prevent environmental effects of this project. Diplomatic apparatuses of concerned countries, including Iran, Iraq and Syria, as well as the international institutions such as the United Nations Environment Program (UNEP), the United Nations Development Program (UNDP) and the Ramsar Convention on Wetlands of International Importance must join hands and demand respect for the flow right of lagoons and rivers that are downstream to these two main rivers. In doing this, they will help protect biodiversity in Turkey's neighboring countries as well.

*Pouya Institute for Communications and Social Development, an NGO without consultative status, also shares the views expressed in this statement.



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**Promotion and protection of all human rights, civil,
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Written statement* submitted by the Association of Citizens Civil Rights Protection “Manshour-e Parseh”, a non- governmental organization in special consultative status

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War will destroy our environment Environment doesn't know boundary

The destructive environmental effects of the war are the lasting effects which deprive a nation from clean and beautiful environment at least for a long time. Wherever a name comes from the war, it has followed the environmental degradation as a long-term threat, so that Posterity and later generations are also a part of the war victims.

The air pollutants that today hurt the citizens of southern and eastern Iran has rooted in the past and threaten the lives of the people of these areas. The roots of these dilemmas are the result of wars and conflicts in the Middle East, from Iraq's eight-year imposed war against Iran to the war called the Persian Gulf, which Saddam Hussein was its cause by the attack on Kuwaiti territory, and it left the environmental destructive effects.

In addition to humans, war also threatens the environment and destruction of the environment causes the destruction of all living beings.

In the Iraq's eight-year war against the Islamic Republic of Iran, Iraqi government started to kill defenseless people with chemical weapons several times, and proceeded to bombard the Iranian soldiers with the same weapons meanwhile the violation of international conventions that left much direct and indirect impacts on the environment of Iran and the region countries.

The Khuzestan waters, the soil of this province and part of its wetlands that play an effective role in preventing the rise of dust in the air giant streams are contaminated due to the use of chemical weapons by Iraq. In addition, according to the Guardian report, in March 2014, it can be pointed out 300 stations Contaminated with radioactive materials that have been identified in Iraq so far.

These contaminations have been due to the use of bombs that were used in both US wars against Iraq and, since these materials are transferable, it has also infected the Khuzestan area unfortunately.

During the wars in the Persian Gulf region that also led to a war on oil tankers, it resulted in the explosion of oil-bearing vessels and caused the spread of petroleum products in the Persian Gulf, and as a result of pollution of the region.

The destruction of oil platforms also had similar effects, the burning of the oil platforms caused severe air pollution; the raining of black rains was one of the other effects of the war in the area, which caused the pollution of water and soil. Many of the Persian Gulf aquatics were lost and the ecosystem of this region was subjected to the undesirable changes resulting from the war.

Most of the pollution in the Persian Gulf has been caused by the effects of numerous wars in this blue structure which has left destructive effects on the environment.

During the Iraqi-Kuwait War, which led to the reaction of the Americans to the invasion of Iraq, given that Iran was not involved it, but Iranians especially Khouzestani people suffered the destructive pressures of the environmental impacts of the war, including the bombing of Kuwaiti oil wells.

But in recent years, we have been faced with radical militants called ISIS, which have seriously threatened the fragile environment of the Middle East more than ever. In the meantime, it can be seen one of the indicator examples about the role of the war on climate change and the increase in the temperature of war zones in Iraq; the war and its destructive effects are closely linked to the peace and security discussions, and climate change. War can have negative consequences in climate change and carbon emissions. The impact of the war on climate change and the impact of war machines have direct effects on the air warming and the erosion of the environment. Given the country's involvement over a decade of the past war, the Tigris and Euphrates water have fallen sharply, and the fertile lands between these two rivers, is one of the earliest agricultural centers of human beings, have become desert. So that from 28 per cent of the country's fertile land, its 250 square kilometers annually turns to desert.

But Iraq is now facing a more serious threat than the past wars. The ISISs that had made Iraq a base for their regional wars were a pressure on the country's environment. From closing the Euphrates River to reach the center of the country to pollute the country's water and soil.

Although most of the ISIS damage comes to the Iraqi state, but undoubtedly, these actions will not affect in the Middle East's environment, especially Iran. The abandoned agricultural lands occupied by the ISIS include 340,000 hectares in

parts of Syrian Arab Republic on the border of the Euphrates River and about 250,000 hectares in parts of Iraqi territory and on the banks of the Tigris River, are among the factors that promote the dust in the area.

This effect can be seen in the form of an increase in the inflow dust into Iran. It is necessary and we, the inhabitants of the planet should believe that the environment does not know the border and the war destroys our environment.

Unrests and military conflicts in the world, in addition to human damages, also cause long-term damages to the environment, and wars hurt the wealth and general economics of the countries. So efforts should be made with the international cooperation in commemoration of the World War Day to confront the war on the environment are being addressed to the different forms of war until in this way, the world will achieve the necessity of an international convergence to deal with the destructive effects of warfare. It is also necessary for the United Nations to work towards the drafting of international law to create a global commitment to preserving water and soil resources and Plant and animal species.



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Joint written statement* submitted by Make Mothers Matter - MMM, New Humanity, and ONG Hope International, non-governmental organizations in general consultative status; the International Organization for the Right to Education and Freedom of Education (OIDEI), Association Points-Coeur, Associazione Comunità Papa Giovanni XXIII, the Catholic International Education Office, the Company of the Daughters of Charity of St. Vincent de Paul, the Foundation for GAIA, the International Organization for the Elimination of All Forms of Racial Discrimination, the International Volunteerism Organization for Women, Education and Development – VIDES, Istituto Internazionale Maria Ausiliatrice delle Salesiane di Don Bosco, the Lazarus Union, the Planetary Association for Clean Energy, Inc., and the Teresian Association, non-governmental organizations in special consultative status; and Soka Gakkai International, a non-governmental organization on the roster

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Proposals for the focus of the 4th Phase of the World Programme for Human Rights Education*

This statement reflects views expressed in discussions of the NGO Working Group on Human Rights Education and Training of the NGO Committee of Human Rights of CoNGO.

1). The adoption of a cultural approach

During the Panel discussion on the 5th Anniversary of the United Nations Declaration on Human Rights Education and Training that took place during the HRC 33rd session, one of the most repeated ideas was the importance of *the acceptability and cultural appropriateness of the human rights educational programmes*. OHCHR report stressed this challenge as one of the four most important dimensions to implement human rights education.¹ Moreover, several delegates stressed *the need for a sound methodology that took into account different cultural contexts*.²

We draw attention to the requirement of the United Nations Declaration on Human Rights Education and Training³ in article 5 par. 3, that provides that *Human Rights Education and Training should embrace and enrich, as well as draw inspiration from, the diversity of civilizations, religions, cultures and traditions as it is reflected in the universality of human rights*. Par. 4 of the same article stresses that *human rights education and training should take into account different economic, social and cultural circumstances (...) in order to encourage ownership of the common goal of the fulfillment of all human rights for all*.

Target 4.7 of the Framework for Action 2030 is to ensure that “*all learners acquire knowledge and skills needed to promote (...) global citizenship, appreciation of cultural diversity and culture's contribution to sustainable development*.” In order for children from different cultural backgrounds to learn and assimilate human rights concepts, it is necessary that teachers, lay instructors and discussion leaders should always seek to be respectful of cultural diversity, particularly of cultural minority children. This approach is essential for good human rights learning outcomes for minorities of all ages.

As stated in the UNESCO World Report “Investing in Cultural Diversity and Intercultural Dialogue,” (...) *cultural diversity can further the exercise of rights and freedoms, since to ignore cultural realities would be tantamount to affirming formal rights and freedoms without ensuring that they can in practice be rooted and enjoyed in diverse cultural contexts*.⁴ It states further: *There is a need to strengthen the foundations of universalism by showing how it can be embodied in a wide variety of practices without being compromised. Cultural diversity is central to human rights. These rights must be appropriated at the local level, not as elements superimposed on cultural practices but as universal principles deriving from the practices themselves. For each culture practice constitutes a pathway to the universal, testifying to our shared humanity* (p. 33).⁴

Finally, the CESCR General Comment No. 13 on the Right to Education already stressed the importance of education to be acceptable. The General Comment understands acceptable as relevant, culturally appropriate and of good quality to students and parents. The disconnection between human rights education and the cultural and religious background of parents and students makes implementation difficult. It is essential to adapt and link the human rights education and training to the cultural background of the students.

¹ OHCHR (2016) Panel discussion on the implementation of the United Nations Declaration on Human Rights Education and Training: good practices and challenges, par. 17
link: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G17/075/50/PDF/G1707550.pdf?OpenElement>

² OHCHR (2016) *ibid*, par. 27
link: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G17/075/50/PDF/G1707550.pdf?OpenElement>

³ cf A/RES/66/137.

⁴ UNESCO (2010), *World Report Investing in Cultural Diversity and Intercultural Dialogue*, Executive Summary, p.32-33.

The first three phases of the World Programme for Human Rights Education were focused on specific sectors. Nevertheless, the resolution 59/113 that establishes the World Programme does not establish any obligation to focus the different phases on a specific target group or sector. The resolution establishes that the World Programme is "to advance the implementation of human rights education programmes in all sectors" (p.3). For this reason, a focus on the cultural approach to allow a better implementation of Human Rights Education would be compatible with the mandate of the World Programme for Human Rights Education.

We hasten to add that we are not advocating the cultural relativism of human rights themselves but rather that the pedagogy of human rights education should reflect the reality of a culturally diverse world.

Stated succinctly, our proposal is that the focus of the fourth Phase be the development and sharing by Member States of culturally sensitive and effective human rights education.

We can mention different examples to illustrate the cultural approach, not only in the teaching methods but also in values as stated in the UN Declaration on Human Rights Education and Training cited above:

1. "Les greniers à mots", a research carried out from 2004 to 2007 by the Interdisciplinary Institute for Ethics and Human Rights of the University of Fribourg, supported by the Organisation Internationale de la Francophonie and the Federal Department of Foreign Affairs of Switzerland. Exploring African and Arabic languages, it has shown that the diversity of languages promotes a better understanding of universality and reinforces the anthropological sources of human rights.⁵

2. The publication of the Conseil Consultatif des droits de l'homme du Maroc entitled: *La Déclaration Universelle des droits de l'homme et l'ordre juridique marocain*⁶

3. The collection of quotations published by UNESCO, drawn from a wide variety of traditions and periods, which, with their profound concordance enhanced by the very diversity of their origins, would illustrate how human beings everywhere, have asserted and claimed the human rights.⁷

2). The fourth phase of the World Programme should address youth

There are about 1.8 billion young people (between the ages of 10 and 24), which is the largest youth population ever, according to UN data.⁸ As the SDGs recognize, youth are "critical agents of change" that will shape the future.⁹ Their crucial role in peace building has also been stressed by the UN Security Council in its Resolution 2250 on the *Role of Youth in Peace and Security*.¹⁰ There are growing challenges that disproportionately affect the current generation of youth, who is also especially vulnerable to radicalization that leads to violent extremism¹¹. Nevertheless youth play a

⁵ Cf <http://www.unifr.ch/niedh/fr/recherche/diversite-et-droits-culturels/greniers-a-mots>.

⁶ (2000) Rabat.

⁷ Jeanne Hersch (ed) (1969) *Birthright of Man*, UNESCO, Paris. On this basis A. Fernandez showed that article 1 of the Universal Declaration is founded in different cultures and religions. Cf A. Fernandez (2000) *La Universalidad de Derechos Humanos El artículo primero de la Declaración en los textos de las culturas y religiones* in *Hacia una cultura de los Derechos Humanos*, Universidad de Verano de Derechos Humanos, Geneva.

⁸ UNFPA (2014). *The Power of 1.8 Billion: Adolescents, Youth and the Transformation of the Future*

⁹ UNGA (2015). *Transforming our world: the 2030 Agenda for Sustainable Development*. Doc A/RES/70.1

¹⁰ UN Security Council, (2015) Doc S / RES / 2250

¹¹ HRC(2015) *Human Rights and preventing and countering violent extremism*. Doc A/HRC/30/L.25/Rev.1.

crucial role in realizing human rights, peace, and sustainable development as mentioned in the resolution on youth and human rights adopted during the 35th session of the Human Rights Council.¹²

If youth can uphold, protect and respect human rights, they can contribute towards the realization of a 'pluralist and inclusive society', as articulated in the UN Declaration on Human Rights Education and Training¹³.

*Chaire UNESCO, Université de La Rioja Chaire UNESCO, Université de Bergame Collège Universitaire Henry Dunant EASSE Small Internet Users (SIU). NGOs without consultative status, also share the views expressed in this statement.

12 HRC (2017) *Youth and Human Rights*, Doc A/HRC/35/L.22.

13 UN Resolution on Human Rights Education and Training (2011) A/HRC/RES/16/1.



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Universal periodic review

Written statement* submitted by the public organization “Public Advocacy”, a non-governmental organization in special consultative status

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On violations of the rights of the Ukrainian Orthodox Church

1. About the Submitting NGO and the sources of evidence of the rights violations.

Since 2015, our organization have been monitoring the observance of the rights and freedoms of believers of the Ukrainian Orthodox Church (UOC) in the Lvov, Rovne, Ternopol, Volyn, Kiev, Zhitomir, Nikolayev, Kherson, Khmelnytsky, Vinnytsia regions. As a result, we have established numerous facts of violations of the rights of the UOC. The findings of our work are confirmed by the following:

- A statement on current stance with human rights in Ukraine over 16 November 2015 – 15 February 15, 2016 by the Office of the United Nations High Commissioner for Human Rights¹ (Para. 119-120);
- A report of the US State Department on Religious Freedom in the World of 2015²;
- Bulletin of the OSCE SMM during the monitoring period³;
- Reports of human rights organizations⁴;
- Human Rights Council Working Group on the Universal Periodic Review Twenty-eighth session Geneva, 6-17 November 2017⁵.

2. Hate speeches and incitement to perpetration of crimes with regard to the UOC believers.

Hate mongering in relation to the Ukrainian Orthodox Church is regrettably of systemic nature and lacks due assessment by the state power bodies. Even direct calls to committing grievous offences with regard to the UOC believers do not lead to any response on the part of the law enforcement authorities.

For instance, deputies of Ternopol Regional Council make official and public decisions containing defamatory and discriminatory accusations of the UOC religious organization – the Holy Dormition Pochayev Lavra. In fact, one of the decisions made at the council sessions pointed to the following: "...the focal centre of anti-Ukrainian activity and inter-religious conflict... – the Pochayev Lavra of Holy Dormition. Under the "canonical" guise the Ukrainian Orthodox Church of Moscow Patriarchate actually intends to russify the Ukrainian population assisting the invaders."

In July 2016 a peaceful procession was held in Ukraine – All-Ukrainian Cross Procession with over 80 thousand believers of the Ukrainian Orthodox Church participating in it. Despite a peaceful character of the religious procession, it was subject to discriminatory attacks, hate speech, forceful obstacles and other actions, including those characteristic of gravest criminal offences. The above listed urges and remarks were not at all condemned or counteracted by the state bodies, which created favorable conditions for committing offences with regard to the Cross Procession participants such as threats to damage property and inflict physical injuries⁶.

1 www.ohchr.org/Documents/Countries/UA/Ukraine_13th_HRMMU_Report_3March2016_ru.pdf

2 https://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm?dynamic_load_id=256253&year=2015#wrapper, <http://news.church.ua/2016/08/12-v-gosdepartamente-ssha-soobshhili-o-narusheniyax-prav-veruyushhix-v-ukraine/?lang=ru>

3 Information message of the OSCE mission on the results of observation of the grips of churches of the UOC and other conflicts in the religious sphere in Ukraine www.potiktor.com/english

4 https://www.upr-info.org/sites/default/files/document/ukraine/session_28_-_november_2017/adf_international_upr28_ukr_e_main.pdf

5 https://www.upr-info.org/sites/default/files/document/ukraine/session_28_-_november_2017/a_hrc_wg.6_28_1.13.pdf

6 Refer to the Reply of the UOC Chancellor dated 2016: <http://news.church.ua/2016/12/31/zvit-keruyuchogo-spravami-ukrajinskoji-pravoslavnoji-cerkvi-za-2016-rik/>

3. Church seizures, arson and plundering

Over the period of 2014-2017 across the territory of Ukraine there have been undertaken over 70 open assaults of worship buildings which belong to the Ukrainian Orthodox Church, mostly in Rovno, Ternopol and Volyn regions. The precise number of conflicts which have not grown into forceful seizures is not known, however, they exceed several hundred incidents. A considerable part of raids ended up with an actual takeover of temples and their further transfer into disposal by religious organizations of the Kiev Patriarchate. Another part of worship buildings remains sealed, including upon the agreement of conflicting parties or by virtue of decisions taken by local authorities.

Despite numerous facts of filing applications by the UOC communities to the law enforcement authorities on perpetration of criminal offences against these communities are not investigated.

The current situation of outspoken discrimination of the UOC and failure of the authorities to respond to overt cases of perpetrating crimes has led to a criminal upsurge relating to the UOC property. For example, in 2016 only in one Kiev eparchy the unknown persons committed acts of arson and desecration with 5 UOC temples. In October 2016 Chancellor of Sarny diocese Metropolitan Anatoly of Sarny and Polesye addressed the President of Ukraine with a request to defend UOC temples in Rovno region against desecration and assaults of vandals. In 2015 year over 20 acts of vandalism and looting were committed in Rovno region.

4. Dynamic actions of the state power bodies on discrimination of the UOC rights.

In an array of cases public authorities were openly supportive of the UOC-KP confession adherents in the conflict situations, resorting to a legal and forceful action in favor of the Kiev Patriarchate. In fact, in the wake of attempts to raid a church in Kutly village of Kremenets district of Ternopol region, Ternopol Regional Council filed a suit to the court on withdrawal of the ownership of the Ukrainian Orthodox Church community in Kutly village.

Additionally, after the beginning of the military strife in Pichya village, Rovno region, a state body – the village council – made a decision to establish an alternate use of the church building together with the community of the Kiev Patriarchate despite the fact the UOC community had the property right to the building. After this decision had been cancelled by the court, law enforcement bodies initiated a criminal proceeding upon the risk of temple destruction by non-identified persons and applied to the court to arrest the temple building as evidence on the case. This request was satisfied by the court, as a consequence of which the temple was sealed by the law enforcement representatives with a view to prohibiting the temple owner – UOC community – to use their property. The described legal strategy was caused by the four court rulings in favor of the UOC community and arose from the local judicial branch using its authorities upon a legal address, which does not foresee the community's right to challenge a decision of local courts within the national legal system. The UOC community of Pichya village lodged a respective complaint upon the matter with the European Court for Human Rights.

An active position was taken by the state law enforcement bodies in Katerinovka village of Ternopol region, having employed rubber truncheons and physical force toward peaceful believers who had gathered to defend their rights and 14 of whom eventually suffered bodily damage, including fractured limbs and severe head injuries. Among the aggrieved were women, elderly people and students. Upon these actions of the law enforcement authorities the prosecutor's office in Ternopol region opened a criminal case, which has not yet resulted in bringing any of the persons involved to justice.

Besides, an executive committee of Zhitomir city council "with a view to preventing clashes and conflicts between participants of civil assemblies" turned to the court having an intention to change the itinerary of the religious column of All-Ukrainian Cross Procession. The administrative court of Zhitomir resolved to decline the consideration of the legal claim of the executive committee of Zhitomir city council to Zhitomir UOC diocese on restrictions of the Cross Procession⁷.

⁷ <http://rian.com.ua/society/20160719-1013361891.html>

22.07.2016 Borispol city council adopted a decision "On prohibition of the Cross Procession of peace of the Ukrainian Orthodox Church (Moscow Patriarchate) through Borispol city"⁸. Albeit this body is not empowered to restrict peaceful processions, this decision was subsequently used by the UOC opponents to create forced obstacles for the Cross Procession participants.

5. Overt calls to commit crimes against the UOC

Calls of radical groups to commit crimes against the UOC and seize its churches galvanized at the end of 2017 / early 2018. In particular, during the seizure of a church in Kolomiya village, representatives of radical organizations were calling for the persecution of believers on the basis of their affiliation to the UOC.

In 2018, radical group "C14" has committed a number of overt crimes against the believers of the UOC by:

- organizing a manifestation near the Kiev-Pechersk Lavra, during which the faithful of the UOC were publicly called "agents of the FSB and the Kremlin". The radicals also demanded to withdraw a building of the monastery from the possession of the UOC. These slogans were publicly demonstrated.
- publicly damaging the property of the Desyatynny Monastery in Kiev, destroying part of the fence of the monastery. Some unknown persons made an attempt to set the church building on fire using an incendiary mixture. The suspects of the arson were detained by the police.
- attacking the office of the Union of Orthodox Journalists, who cover in their publications the facts of human rights violations against the UOC.

In accordance with the established rules of procedure of the UN Human Rights Council, following the above mentioned violations, both individual and collective complaints were submitted by the faithful and religious organizations of the UOC for the period of 2015-2017.

In connection with what has been stated, we express our utmost concern about the situation that threatens to undermine religious peace in Ukraine. We call on the international community and responsible human rights bodies to immediately intervene into the evolving religious confrontation in Ukraine.

We strongly emphasize the real threat of massive grave crimes against the faithful and religious organizations of the UOC in Ukraine.

⁸ https://www.facebook.com/permalink.php?story_fbid=943059639149596&id=715896135199282



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Agenda item 3

**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Written statement* submitted by the Islamic Women's Institute of Iran, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1996/31.

[30 January 2018]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Progress with the "clean social atmosphere" is possible

These days there is a lot of talk about air pollution in cities. There is no doubt that clean air is essential for the growth of children and people. Similarly, living in a clean, clean social atmosphere is also a requirement of development.

The Islamic Women Institute of Iran, as a nongovernmental organization, has been dealing with one of the most common issues in the present era, in order to work in social settings, which has resulted in the optimal use of social forces, in order to clarify its necessity, to describe the steps necessary to realize it.

The social atmosphere

Each country has its own climatic conditions and its unique geographic environment, which gives it certain characteristics, such as mountain or desert. In the same way, each country has a specific social atmosphere that shapes the interactions of people in the neighborhood, family, school, street, office, city and village, and leads them to behaviors such as compassion, warmth, pride, kindness, being happy and so on. The point to be convinced is that because geographical differences cannot be a deterrent to clean air, the social differences of countries should not prevent them from having a "clean social atmosphere". That is, as all countries are required to have clean air with any geographic location. All countries are required to establish a "clean social atmosphere" with any social habits, customs, traditions, and ideologies.

The social atmosphere can be called the interactive weather that is in the social environment. The atmosphere of the classroom is different from the atmosphere of the park or the cinema.

Therefore, the mood of each social environment varies from one environment to another. The weather or atmosphere of each country can vary from country to country. The country's atmosphere can be joyful and hopeful, like the party atmosphere, another country can be hard work, like the atmosphere of the class, and so on. But, what's important is that these differences should not be removed from the atmosphere.

What creates atmospheric differences is the amount of pollutants that make the "clean" atmosphere "foul" and cause losses, losses, costs, and shortcomings.

The "clean" atmosphere can be compared to "clean" air. In clean air, opportunities for growth for all individuals of all ages and for all living organisms are provided. In the "clean social atmosphere," individuals and groups have the opportunity to meet their needs, and the conditions for achieving the goals are possible.

Social pollutants can be divided into three main categories:

- 1- Heavy social costs (exclusion, imprisonment, coercion ...)
2. Erosion and friction (spend minimal energy, time, worry and fear ...)
3. Social pollution (corruption, lies, distrust, disrespect ...)

Clearly, the more pollutants are added, the cleaner social atmosphere will be reduced, and vice versa, the less pollutants are, the cleaner social atmosphere is more interesting. Therefore, with the clean atmosphere, the forces of the country are facing the least depletion and their growth and development is in the ordinary course. In other words, in the clean atmosphere, everyone takes advantage of the conditions and, because of the benefits, does not involve any losses or costs.

Negative & Positive Perspective

This is the view that it takes away from the "clean social atmosphere" to the absence of pollutants, which is right in its place. But, if we take into account the positive view that produces and formulates. We must look for the factors that

create a "clean social atmosphere." From this perspective, the social atmosphere is based on three variables: social capital, social energy, and social welfare.

In short, social capital refers to ways of cooperation, assistance, kindness, respect, and other behaviors that lead to friendship and friendship among individuals. Social energy is characterized by potentiality, strength, power, rewards and incentive motivations that provide collective mobility, and social welfare includes facilities and technologies for living in a comfortable life.

The rule is that the higher degree of enjoyment of these three variables, the people will have a better social atmosphere and vice versa, the more people will have less of a social capital, energy and welfare, they will face a variety of problems and issues. It causes social pollution and damage and makes the social atmosphere dirty and dirty.

The remarkable point is that since the positive view focuses on the production of a "clean social atmosphere", two coins are considered simultaneously:

(A) The extent to which individuals and groups enjoy welfare, energy and social capital.

(B) The contribution of each person and group in the production of welfare, energy and social capital.

In fact, there are two dominant strategies. Such as, for example, technology, which countries can import from other countries and benefit from it, or to produce those technologies. In the case of "clean social atmosphere", these two dominant strategies are true. How do people in countries enjoy and benefit from the "clean social atmosphere"? And how much does it produce and create? How much in each country, individuals and groups are the source of prosperity, energy, and the production of social capital in forms of cooperation, respect, retrieval of trust and confidence, establishing honest and transparent relations?

In a positive light, if the production and reproduction process is stopped or stopped, it is not possible to achieve healthy conditions for supplying (this is not the case with a clean social atmosphere). Therefore, individuals and groups must play a role in the production and creation of a "clean social atmosphere", as they themselves have a "clean social atmosphere".

It is clear that as much as countries themselves play a more productive role in creating the "cleaner social atmosphere", they will be more proactive in the path to development and development, regardless of the fact that the "clean social atmosphere" It creates a healthy environment.

In this way, from a positive point of view, we must determine the contribution of each of the economic, political, social and cultural sectors to the production of welfare and technology, increase energy and potentiality, capitalization and profitability of collective behavior, and with codified programs it produced "clean social atmosphere".

In this regard, the Islamic Institute of Women, in its contribution to raising social capital and maintaining and completing it, has organized a series of meetings entitled "Beautiful Experiences." The guest of each meeting is one of the non-governmental organizations that, while familiarizing members with activities and goals of each other, explores the synergy of activities, and plans for further collaboration are approved. These meetings report were published in the magazine of Payame Ibrahim's Magazine, Islamic Women's Institute (in Farsi) for further information

One of the important measures in this regard is to educate and inform people and groups (ethnic, sexual, religious, occupational ...) especially human forces such as students, students, teachers and professors of the necessary measures to reduce pollutants On the one hand, and the production of a "clean social atmosphere," on the other hand, the Islamic Institute of Women has plans for this purpose:

Solutions:

- 1- Inviting women to introduce contaminants and methods of coping.
- 2- Use of various groups of forces (women, youth, religion, ethnicity ...) to reduce pollutants.
- 3- Identify plans for ways to achieve "clean social atmosphere" by each group. For example, how can the family make a clean social atmosphere in the family atmosphere?



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**Promotion and protection of all human rights, civil,
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including the right to development**

Written statement* submitted by Chant du guépard dans le désert, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement, which is hereby
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GE.18-01935(E)



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Conviction of Turkish Dam and its Impact on Increasing Haze in the Islamic Republic of Iran

Dear president of the council

With great regards, we would like to inform you that the Republic of Turkey has built a big number of dams in the southern Anatolian Basin and the sources of Tigris and Euphrates over the past two decades. The capacity of only one of these giant structures, the Atatürk Dam on the Euphrates which was completed in 1992, reaches 48 billion cubic meters. Moreover, construction of Ilisu dam with a capacity of 10.4 billion cubic meters on top of Tigris River has been started since December 2014.

The construction of these dams has severely influenced and damaged the aquatic system of the two great rivers of Tigris and Euphrates, causing the abandonment of several million hectares of agricultural land in the Syrian and Iraqi countries, and creating a serious crisis in downstream of Hoor-al-azim; a crisis that has changed the strategic harbor of Hoor-al-azim to the largest crisis center of dust storms in the region.

The indigenous communities and people of Syria, Iraq, and Iran which are the origins of the world's oldest civilizations, such as the Islamic Republic of Iran, the Syrian Arab Republic and Mesopotamia, are seriously affected by the devastating effects of these dams.

Nowadays, in many parts of Iran, the crisis of dust storm has caused a lot of damage to the environment as well as the lives of the citizens and has changed into a very serious threat. Recently, according to a report published by the Environmental Bureau of Ahwaz (one of the southern provinces of Iran), on January 19, 2018, the dust concentration in Ahwaz was 8056 mcg / m³. In fact, at the moment, the concentration of dust in Ahwaz is 36.92 times the limit, which is very alarming and a serious environmental threat with human rights dimensions.

Although the environmental crises of the region have several causes, in such a situation, the continuous destructive processes of making dams by the Turkish government and control of the waters of these two rivers have created and intensified the dust phenomenon in the west of Iran, apart from the destruction of agriculture and the thirst of villages and cities in Mesopotamia; this devastating process does not only threaten people's health and their productive as well as everyday activities, but also leads abandonment of human settlements.

The devastating outcomes of the Turkish dam-building have not only aggravated the humanitarian disasters caused by the Syria and Iraq wars and threatened human rights, but also clearly contradict the provisions of the United Nations Convention to Combat Desertification and the United Nations Declaration on the Rights of the Indigenous People.

In the past three years and following the increasing concerns, Iran's environmentalists have written a letter to the UN Secretary-General calling for a review of the Turkish government's efforts to remove the legitimate rights of Iraq and Syria on water; measures that have also affected Iran by the dust caused due to drying the wetlands of these countries.

We believe that Turkey does not respect the downstream limit and has caused the drying up of ecosystems in Iraq and Syria by building numerous dams over the Tigris and Euphrates. This is while, in the current situation, Iraq and Syria cannot take serious actions and claim their water share from Turkey due to the insecurity in their countries.

The Chico Environmental Institute, on behalf of a large number of environmentalists and people in Iran, as well as human rights organizations as well as environmental organizations, calls on the Human Rights Council to take serious action to address this challenge. Since it is not possible to determine boundaries for the environment, it is our responsibility to engage and take serious action to prevent the occurrence of arbitrary and trans boundary environmental crises.



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Human rights situations that require the Council's attention

Written statement* submitted by the Organization for Defending Victims of Violence, a non-governmental organization in special consultative status

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[30 January 2018]

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ID with SR of Iran: Sanctions and Human Rights Issues in the Islamic Republic of Iran

In the last couple of years, many international organizations¹, UN Special Rapporteur of Unilateral Coercive Measures², and human rights activists³ have debated the humanitarian consequences of the unilateral coercive measures. They have argued that sanctions target mainly and firstly the people of the target countries, and not the target governments. A review of the recent unrests in Iran in December 2017, was a sudden eruption of a massive undeniable humanitarian crises which got a chance to show up, while many other aspects of the humanitarian issues related to sanctions remained uncovered.

In 29 December, 2017 thousands of people in Mashad rally into streets shouting for jobs, economic welfare, and their savings in the newly-bankrupt financial institutions such as Thamen and Caspian. Sooner than anyone can expect, the unrests spread to different other cities with religiously more conservative, working class population than Tehran or Isfahan. Although some of the protestors were using political and social mottos, the major demands of the people were focused on jobs for youth, the saving money of the people, the recent cases of the administrative corruptions, and economic wellbeing of the people.

Analysts believed that the demonstrations had a different feature this time; it was the grassroots protests with economic claims rather than middle class uprising for political aims. The demonstrations were mainly held in the less developed areas, far from the metropolis centers of the provinces. Moreover, the protesters were mainly from lower class and lower middle class workers, farmers, or unemployed people. Additionally, their statements targeted economic issues such as jobs, banking system, and economic corruption.

We believe, this social anger was partly the result of several years of economic and financial pressure of the sanctions on the Iranian society. To survive the economic sanctions, the Iranian economy should have opened the door for semiofficial companies, non-official markets, and closed financial institutions. Such a system was to save the banking transactions and economy from collapsing under the sanction system. Although the Iranian economists warned about such financial institutions, it was an inevitable solution to save the trade flow even for essential goods such as grains, food, medicine, etc. Such situation made it almost impossible for even the best-intentioned regulators to regulate the banking system and economic market. The involvement of opaque financial market worked contrary to transparency, and the lack of transparency was a recipe for poor banking practices," said Sir Simon Gass, who was the British ambassador to Tehran from 2009 to 2011, in a recent interview.⁴

Sanctions targeted all aspects of the Iranian macro-economy too. As sanctions against Iran were intensified in 2011, all of the economic indexes started to collapse in the next few years. The parity rate of US dollar against the Iranian currency, Rial, reached its highest level in whole history of the country. In the period between 2010 and 2012, every US dollar was traded for 36,000 Rials, up from the previous rate of 14,000 Rials.⁵ It greatly increased inflation rate and reduced purchasing power of the Iranian people. The inflation rate raised dramatically and reached to 34.7 percent in 2013, from 10.8 in 2010.⁶

1 Sanctions as Blatant Violation of Human Rights: A Case Study: Sanctions on Supply of Medicines to the Iranian Society; <http://www.odvv.org/product-1922-Sanctions-as-Blatant-Violation-of-Human-Rights>

2 <http://www.ohchr.org/EN/Issues/UCM/Pages/Statements.aspx>

3 Campaign Against Sanctions and Military Intervention in Iran:

https://fa.wikipedia.org/wiki/دولت_ایران_و_مداخله_نظامی_در_ایران

4 <https://www.nytimes.com/2018/01/20/world/middleeast/iran-protests-corruption-banks.html>

5 <http://www.modiriatefarda.ir/index.php?option>

6 <http://eghtesadgardan.ir/fa/news/1264/جدول-1396-تا-1316-سال-گذشته-از-81-سال-بعد-از-انقلاب-و-39-سال-بعد-از-نوروز-موجرانی-در-39-سال-بعد-از-انقلاب-و-81-سال-گذشته-از-1316-تا-1396-جدول>
برای محاسبه مهریه و سایر نکات - cpi - آخرین شاخص

The dramatic part of the story is that despite the formal end of the international sanctions after the Iran Deal in July 2015, Iranian economy has not recovered from the malaises of the sanctions. The economy is still engaged with lots of challenges which were accentuated by the sanctions. Hundreds of thousands of people lost money because of the collapsing financial institutions. In the international market, Iran continue to suffer from the unilateral coercive measures targeting Iranians by the United States of America. The United States continues to threaten international banking system and companies from entering into any interactions with Iran.⁷ There is no well-known financial institution with banking interactions with Iranian companies. "The implementing regulation does not repeal all EU sanctions on all Iranian banks, therefore Swift remains prohibited from providing specialized financial messaging services to the EU-sanctioned Iranian banks that remain listed under EU regulation," Swift officials declared after the Iran Deal, adding that it is incorporated under Belgian law and has to comply with all related EU regulation as confirmed by the Belgian government. Swift declines to comment on any specific problems with reconnection in Iran, nor on its arrangements with Cisco; Cisco did not respond to requests for comment.⁸

Recommendations:

Organization for Defending Victims of Violence once again invites the Human Rights Council and Ms. Asma Jahangir, the Special Rapporteur of the Situation of Human Rights in the Islamic Republic of Iran, to recognize the suffering of the Iranian people by the illegal unilateral coercive measures and recall the government of the United States to stop its extraterritorial policies against Iranian people which are clear examples of gross violation of human rights of the Iranian people.

We invite Ms. Asma Jahangir to raise the voice of the Iranian for their economic and developmental rights. In the 37th session of the Human Rights Council, when she expresses her concerns over the loss of lives in Iranian protests, she should also look back to her previous report to see to what extent did she reflect on the economic issues and the long lasting economic consequences of the sanctions.

7. https://books.google.com/books?id=MT3vDQAAQBAJ&pg=PA30&lpg=PA30&dq=amnesty+international+sanctions+iran&source=bl&ots=Qgr_x71Ow5&sig=t7K9xPbCpMNJTcUb3gmUouXHP3Y&hl=en&sa=X&ved=0ahUKFwjhuLPHYtv3YAhWqLMAKHcEIAqsQ6AEISDAG#v=onepage&q=amnesty%20international%20sanctions%20iran&f=false

8. <https://www.euromoney.com/article/b12kny606zp6jn-banks-frustrated-as-irans-swift-return-is-held-up?copyrightInfo=true>